



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

cases of criminal contempt the person charged is entitled to notice and a hearing. *Reymert v. Smith*, 5 Cal. App. 380. And a judgment is void if made in his absence. *Ex parte Mylius*, 61 W. Va. 405. The charge must be proved beyond a reasonable doubt. *In re Jose*, 63 Fed. 951. And judgments are subject to review only in the manner provided for criminal cases. *Ex parte Debs*, 158 U. S. 64. Nor can the person charged be forced to testify against himself. *Ex parte Gould*, 99 Cal. 360.

COPYRIGHTS — INFRINGEMENT — MOVING PICTURES OF COPYRIGHTED DRAMA. — The plaintiff owned the copyright of the book "Ben Hur" and also the copyright of a dramatization of it. The defendant reproduced with living models certain scenes in the book and photographed them for use in moving picture machines. He sold the films to theatres for public reproduction. The Copyright Act gives to the author of a book or his assigns the sole right to dramatize it, and to the owner of a copyrighted "dramatic composition" the sole right of producing it publicly. *Held*, that the defendant is liable for infringing both copyrights. *Harper Brothers v. The Kalem Company*, 61 N. Y. L. J. 251 (C. C. A., Second Circ., March, 1909).

It is now settled that an author's right against infringement rests entirely upon statute. *Stern v. Rosey*, 17 App. D. C. 562. A descriptive or dramatic song may be within a statute protecting "dramatic pieces." *Fuller v. The Blackpool, etc., Co.*, [1895] 2 Q. B. 429. And a pantomime is likewise protected. *Lee v. Simpson*, 3 C. B. 871. But a stage dance is not a "dramatic composition" within the meaning of the statute. *Fuller v. Bemis*, 50 Fed. 926. The same has been held of a stage spectacle. *Martinetti v. Maguire*, 1 Abb. (U. S.) 356. But this latter decision was probably influenced by the immoral nature of the spectacle; for, as a general rule, a series of events dramatically represented in a certain sequence is a dramatic composition, whether accompanied by words or not. See *Daly v. Palmer*, 6 Blatchf. (U. S.) 256. The principal case considers it immaterial whether the representation is by actors or by moving pictures. Two considerations are to be counterbalanced: the protection of the author's enjoyment of the fruits of his labor and the securing to others of a fair use of the author's creation. The application of these principles, it is believed, will lead to the result of the present case.

CORPORATIONS — CITIZENSHIP OF CORPORATION — EFFECT ON FEDERAL JURISDICTION OF INCORPORATION IN TWO STATES. — A corporation of state A doing business in state B took out a charter in state B. A citizen of state B sued the corporation, which then petitioned for removal to the federal courts on the ground of diversity of citizenship. *Held*, that for purposes of federal jurisdiction the corporation is a citizen of state A. *Atlantic Coast Line R. R. Co. v. Dunning*, 166 Fed. 850 (C. C. A., Fourth Circ.).

The cases are in confusion as to the effect of incorporation in two states. See *Taylor v. Ill. Cent. R. R. Co.*, 89 Fed. 119; *M. & C. R. R. Co. v. Alabama*, 107 U. S. 581; 13 HARV. L. REV. 597. A corporation is a juristic person whose citizenship depends on the place of incorporation regardless of the citizenship of the shareholders. *Hatch v. Chic., etc., R. R. Co.*, 6 Blatchf. (U. S.) 105. One corporation cannot consistently be a citizen of two states. It may be argued, however, that double incorporation creates two corporations, each the agent of the other. See *Ohio, etc., R. R. Co. v. Wheeler*, 1 Black (U. S.) 286. When two states unite in the initial incorporation, this view is especially applicable. On the other hand, a legislature may by the so-called second incorporation intend merely to extend to a foreign corporation the privileges of citizenship. See *St. Louis, etc., Ry. v. James*, 161 U. S. 545, 562. It may attach as a condition to these privileges the liabilities of domestic corporations in local matters such as taxation. *Southern Ry. v. Allison*, 190 U. S. 326. But such legislation does not actually change the citizenship of the corporation: it still remains a citizen of the state where it was first incorporated. No state can deprive such a corporation of its constitutional right to demand trial in the federal courts. The question of federal jurisdiction may thus depend on whether the legislature intends to create a new corporation or merely to license the old. See *Penn. Co. v. St. Louis & Alton R. R. Co.*, 118 U. S. 290, 296.